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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,402	04/06/1999	REGIS J. CRINON	KLR:7146.029	6268
7590 07/27/2004				
CHERNOFF VILHAUER MCCLUNG & STENZEL 1600 ODS TOWER 601 SW SECOND AVENUE PORTLAND, OR 97204			EXAMINER TRAN, HAI V	
			ART UNIT 2611	PAPER NUMBER

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/287,402

Applicant(s)

CRINON, REGIS J.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/10/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2 and 14</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 05/06/2004 have been fully considered but they are not persuasive.

Applicant argues Adams fails to disclose "the particular manner in which the video stream is created, the particular in which the associated data payloads are included in the video stream, how the time stamps are selected for the associated data payloads that are included in the video stream, and what particular type of times stamps are being used in the data stream."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the particular manner in which the video stream is created, the particular in which the associated data payloads are included in the video stream, how the time stamps are selected for the associated data payloads that are included in the video stream, and what particular type of times stamps are being used in the data stream") are not recited in the rejected claim(s); therefore, Applicant's argument is moot. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Claims 1, 6 and 11, Applicant further argues "In contrast, the Examiner identifies the document as the "associated data payload" and the structure for receiving a time

stamp as the TIME_STAMP 84 of the packet header, which is the structure provided with the associated data payload for transmission in the data stream."

In response, the Examiner respectfully disagrees with Applicant argument and submits that the TIME_STAMP of Fig. 5 is not element 84, as indicated by Applicant; however, TIME_STAMP is a field structure of the associated data packet 84 (element 84 of Fig. 5). Moreover, the Examiner submits that the associated data stream comprises associated data packets 84 of Fig. 5 represents the document (Col. 2, lines 21-42 and Col. 4, lines 45-65) and not the "associated data payload", as argued by Applicant.

Applicant further argues "there is no suggestion by Adams et al. that the document (i.e. associated data payload) includes a structure for receiving the time stamp."

In response, the Examiner again asserts that the associated data stream comprises associated data packets 84 of Fig. 5 represents the document (Col. 2, lines 21-42 and Col. 4, lines 45-65) and not the "associated data payload". As to the "structure for receiving the time stamp", Adams' Fig. 5 clearly shows the associate data packet 84 with its structure that comprises header info field, TIME_STAMP field, DATA_ID and Associated Data Payload fields.

By showing the associate data packets 84 structure along with Video packets 80 and Audio packets 82 (Fig. 5), Adams further shows the associated data packets 84 are encoded in VBI of the television signal, as indicated by Adams in Fig. 4, one ordinary skill in the art would know that the process of creating the associate data is inherently

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done by using commercially available software and hardware that output industry standard file formats, i.e. HTML for text and graphic layout, GIF/JPEG for still images, closed captioning and so forth, in which the associate data is encoded into associated data packets 84. In doing so, the TIME_STAMP value is inserted into the TIME_STAMP field of the associate data packets 84 structure by the central service (headend or Server) so that the associate data could be synchronized with corresponding video data presentation (Col. 4, lines 61-65; Col. 5, lines 15-22; Col. 6, lines 5-36; Col. 8, lines 51-Col. 9, lines 10). The Examiner further submits that the term "associated data packets" refers to a stream of data (associate data stream) is intended to enhance the utility of the primary data stream (i.e. video and audio data stream). Again, independents claims 2-5, 7-10 and 12-14 were not discussed by Applicant.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 6-7, and 9-10 are rejected under 35 U.S.C. 102(b) as being unpatentable by Adams et al. (US 5541662).

Regarding claim 1, Adams discloses a method of displaying (Fig.8) a document (associated data packets 84/Buttons with images of related items for sale)

together with a time stamp (Fig. 5, el. TIME_STAMP field) specified display of video element (Fig.8, Video Windows) comprising the steps of:

Providing the document (Associated Data packets 84) including a structure (Fig. 5) for receiving a time stamp value (Fig. 5, el. TIME_STAMP field) associated with the video element (video Packet) in a packetized elementary stream (Fig.5; Col. 4, lines 34-65);

Reading the time stamp value (TIME_STAMP field content) in the document (associated Data packets 84) and at least one of providing and signaling the availability of document (by displaying the Buttons with images of related items for sale) to a viewer in accordance with the time-stamp value (Col. 8, lines 51-63).

As to "inserting said time stamp value said associated with said video element in said structure", Adams does not specifically disclose it; However, Adams shows the Associated Data's packets structure with the time-stamp field (Fig.5), Adams must insert the time stamp value associated with the video element in the structure at the Headend in order to perform the above function at the receiver as disclosed.

Regarding claim 2, Adams further discloses wherein the availability of the document (associated data/Buttons with images of related items for sale) is signaled by displaying the document (displays buttons with images of related items for sale; see Fig. 8);

Regarding claims 3 and 9, Adams further discloses wherein the presence of the document is signaled by displaying to the viewer a notice of the

availability/command by which the viewer can cause the document to be displayed (see Fig. 8; Col. 8, lines 64-Col. 9, lines 1).

Regarding claim 4, Adams further discloses wherein the time stamp value is encoded in a data packet with the document before the data packet is transmitted (see Fig. 5 wherein the time stamp field of the associated data packets 84 must be encoded and inserted with a time stamp value before the data packet is transmitted; Col. 4, lines 34-65).

Regarding claim 6, Adams discloses a method of displaying (Fig.8) a document (associated data/Buttons with images of related items for sale) together with a time stamp (Fig. 5, el. TIME_STAMP field) specified display of video element (Fig.8, Video Windows) comprising the steps of:

Providing the document (Associated Data packets 84) including a structure (Fig. 5) for receiving a time stamp value (Fig. 5, el. TIME_STAMP field) specifying a display time for the document (Fig.5; Col. 4, lines 34-65; Col. 7, lines 15-21);

Reconstructing the document (associated data packets) from the first data packet (Video packet) see Fig. 8; reading the time stamp value in the document; and providing or signaling the availability of the document to a viewer and displaying the target datum of the at least one of the video element and the audio element at the display time specified by the time stamp value is described in Col. 8, lines 51-Col. 9, lines 48.

As to "Encoding in a packetized elementary stream a first data packet (video) comprising the document and the time stamp value; and Encoding in a packetized elementary stream a second packet (audio) comprising the time stamp value and a target datum in either the video or audio element", Adams must encodes the corresponding video/audio/associated data stream into packetized elementary stream as shown in Fig. 5.

As to "capturing the time stamp value from the first data packet; Inserting the time stamp value into the structure for receiving the time stamp value", Adams does not specifically disclose it; However, Adams shows the Associated Data's structure with corresponding time-stamp field in Video/Audio/Associated packets see Fig.5 in which Adams must capture the time stamp value from the Video data packet and insert the time stamp value associated with the video element in the structure of the Associated data packet 84 in order to synchronize the presentation of the associated data with the video data and to perform the above function as disclosed.

Regarding claim 7, Adams further discloses, wherein the availability of the document (associated data/Buttons with images of related items for sale) is signaled by displaying the document (displays buttons with images of related items for sale; see Fig. 8);

Regarding claim 10, Adams further discloses transmitting the first (Video) and second (Audio) data packets to a receiver; see Col. 4, lines 5-14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 5541662) in view of Harrison et al. (US 6064420).

Regarding claim 5, Adams does not clearly disclose wherein the time stamp value is inserted in the structure after the document is transmitted.

Harrison discloses a script is generated from sub-system 20 and sent over the terminal to synchronize the pre-stored associate data at local storage 80 with the display (by executing the script, the pre-stored associate data at the terminal is synchronizing with the received main/primary data stream to display to viewer based on the inserted time stamp/time code value from the receiving stream; Col. 5, lines 1-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Adams to insert the time-stamp in the structure after the document is transmitted, as taught by Harrison, so to enhance the quality and content of the primary information stream with corresponding targeted associated data (see Summary of the invention).

Regarding claim 8, Harrison further discloses including in the document (associate data) a display time interval and terminating the display of the document

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(associate data) at a time specified by the display time interval and the time stamp value" (time code and time duration; Col. 5, lines 2-53).

3. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 5541662) in view of Eyer (US 5982445), and further in view of Harrison et al. (US 6064420).

Regarding claim 11, with respect to analysis of claim 1, Adams must have "a document server" for delivering the document (associate data) including a structure for receiving a time stamp value as a first data stream to a packet assembler said delivery being coordinated with the arrival of a target datum in a second data stream representing said at least one of a video stream element and an audio element; "a packet assembler" for encoding in a packetized elementary stream a first data packet comprising a data unit representing the document (associated data) and a time stamp value specifying a time for displaying the document (associated data); and a second data packet comprising the target datum and the time stamp value unit and the time stamp value"; "a packet disassembler for separating the data unit and the time stamp value from the first data packet" in order to perform the method as discussed in claim 1.

As to limitation "a parser to reconstruct the document from the data unit" and "a data presentation engine to read the document", Adams does not clearly disclose it; However, Adams discloses a client runtime manager 102 reads incoming packets

video/audio/associated packets and distributes them to corresponding functions within the receiver (Col. 8, lines 32-Col. 9, lines 10).

Eyer discloses a parser and presentation engine (browser) to reconstruct the document from the data unit (Fig. 2; element 220, 215; Col. 8, lines 44-48 and Col. 9, lines 13-21);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Adams to include a parser and data presentation engine (Browser); as taught by Eyer; so to identify displayable objects and display instructions from HTML codes so that a browser could display corresponding HTML pages to viewers.

As to limitation "a time stamp loader to insert the time stamp value into the structure for receiving the time stamp value"; Adams and Eyer do not clearly disclose it.

Harrison discloses a script is generated from sub-system 20 and sent over the terminal to synchronize the pre-stored associate data at local storage 80 with the display (by executing the script, the pre-stored associate data at the terminal is synchronizing with the received main stream to display to viewer based on the inserted time stamp value from the; Col. 5, lines 1-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Adams in view of Eyer to have a time-loader (script) to insert the time-stamp in the structure after the document is transmitted, as taught by Harrison, so to

enhance the quality and content of the primary information stream with corresponding targeted associated data (see Summary of the invention).

Regarding claim 12, Adams further discloses wherein the availability of the document (associated data/Buttons with images of related items for sale) is signaled by displaying the document (displays buttons with images of related items for sale; see Fig. 8);

Regarding claim 13, Eyer further discloses a storage device to store the reconstructed document (Fig. 2; element 210; Col. 11, lines 8-12) and a command device enabling the viewer to cause the display of the document (Fig. 2; element 232; Col. 9, lines 1-5 & 46-50).

Regarding claim 14, Adams further meets the limitation "further comprising a transmission and receiving system for transferring data packets to a receiver" (see Fig. 1).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to: 703-872-9306

(for informal/draft communications, please label "PROPOSED" or
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Hai Tran whose telephone number is 703-308-7372.

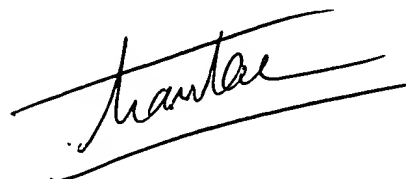
The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, GRANT CHRISTOPHER C. can be reached on 703-305-4755. The fax phone
number for the organization where this application or proceeding is assigned is 703-
872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

HT:ht
07/23/2004

A handwritten signature in cursive script, appearing to read "HAITRAN", is written over two horizontal lines.

HAITRAN
PATENT EXAMINER